

Notice of Allowability

Application No.

10/666,379

Examiner

Thomas H. Parsons

Applicant(s)

SKINLO, DAVID M.

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 10 December 2007.
2. ☒ The allowed claim(s) is/are 66-94.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Response to Amendment

This is in response to the Amendment filed 10 December 2007.

(Previous) DETAILED ACTION

Claim Rejections- 35 USC § 103

1. The rejection of claims 66-75,88,91 under 35 U.S.C. 103(a) as being unpatentable over Teramoto et al. (US 5,501,916) in view of Kitoh et al. (US 6,399,242 B2) has been **withdrawn** in view of Applicant's arguments, see page 7, line 4 through page 8, line 6, filed 10 December 2007, with respect to claim 66-91.
2. The rejection of claim 89 under 35 U.S.C. 103(a) as being unpatentable over Teramoto et al. (US 5,501,916) and Kitoh et al. (US 6,399,242 B2) as applied to claims 43-45, 66-69, 83, 86 above, and further in view of Cogan (US 5,755,759) has been **withdrawn** in view of Applicant's arguments, see page 7, line 4 through page 8, line 6, filed 10 December 2007, with respect to claim 66-97.

Claim Rejections - 35 USC § 112

3. The rejection of claims 66-91 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been **withdrawn** in view of Applicant's arguments, see page 7, line 4 through page 8, line 6, filed 10 December 2007, with respect to claim 66-97.

Specification

4. The objection to the disclosure because of minor informalities has been **withdrawn** in view of Applicant's Amendment.

Claim Objections

5. The objection of claim 68 because of minor informalities has been **withdrawn** in view of Applicant's Amendment.

Claim Rejections - 35 USC § 102

6. The rejection of claims 66-91 under 35 U.S.C. 102(e) as being anticipated by Nakahara et al. (6,677,076) has been withdrawn in view of Applicant's arguments, see page 9, lines 7 through 16, filed 10 December 2007, with respect to claim 66-91.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Neither Kitoh nor Teramoto teaches or suggests resting an end cap on the case with an edge of the case between a portion of the tab and a portion of the end cap and the tab extends from the electrodes in the case over an edge of the case. Further, neither Kitoh nor Teramoto teaches or suggests transporting electrolyte through the opening while resting an end cap as described.

Accordingly, claims 66-94 are patentably distinct from the prior art references of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas H. Parsons whose telephone number is (571) 272-1290. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas H Parsons
Examiner
Art Unit 1795


PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER